

## **EXHIBIT A**

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ATTORNEYS FOR NINA AND LEE RUNSDORF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Complaint  
Of ANDREW HARNETT  
In the Matter of Peter J.  
Sharp Boathouse, Inc.

Docket No.: 06-cv-0699 (LMM)

Docket No.: 06-cv-3061 (LMM)

In the Matter of New York Rowing  
Association, Inc.

Docket No.: 06-cv-3062 (LMM)

And a forth related case

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**NINA and LEE RUNSDORFS' RESPONSE TO PETER J. SHARP BOATHOUSE  
INC. and NEW YORK ROWING ASSOCIATION INC.'S REQUEST FOR  
ADMISSIONS**

Nina and Lee Runsdorf, ("Runsdorf") as Co-Executors of the Estate of Jim Runsdorf  
respond to Peter J. Sharp Boathouse, Inc. and New York Rowing Association, Inc.'s Request  
For Admissions as follows:

REQUESTS:

1. On the morning of October 24, 2005, rowers Jim H. Runsdorf, Edward Joyce, Jeff Lundwall, and Vincent Houston were onboard a 45-foot long coxless racing shell in the Harlem River.

Response: Admit

2. Jim Runsdorf, Edward Joyce, Jeff Lundwall, and Vincent Houston met at the Peter J. Sharp Boathouse on the Harlem River before 6:00 AM on the morning of October 24, 2005.

Response: Admit

3. Jim Runsdorf, Edward Joyce, Jeff Lundwall, and Vincent Houston placed the 45-foot long coxless shell in the Harlem River from the pier at the Peter J. Sharp Boathouse on the morning of October 24, 2005, prior to sunrise.

Response: Admit

4. Each of the four individuals onboard was a "Master" rower, and each had prior experience rowing onboard rowing shells.

Response: Admit each of the rowers had prior rowing experience and was in the Master's Rowing Program at the Peter J. Sharp Boathouse ("PJS"), however "Masters" delineated age, not ability nor experience.

5. Jim H. Runsdorf was in the bow position on the shell before the collision on the morning of October 24, 2005.

Response: Admit

6. The rower in the bow position is in charge of giving navigational commands for the rowing shell.

Response: Deny.

7. On October 24, 2005 in New York City daylight savings time was still observed.

Response: Admit

8. On October 24, 2005, sunrise did not occur until 7:17 a.m. local time.

Response: Admit

9. There were no lights onboard the shell when it was taken out on the Harlem River on the morning of October 24, 2005.

Response: Admit

10. None of the rowers onboard the shell was wearing a personal floatation device on the morning of October 24, 2005.

Response: Admit

11. The rowers were not accompanied by an escort boat on the morning of October 24, 2005.

Response: Admit

12. The rowers onboard the rowing shell left the boathouse before 6:00 a.m.

Response: Deny.

13. The rowers intended to travel south to about the point of the 2000 meter mark on the bulkhead and then "sprint" back north to the finish line near the Peter J. Sharp Boathouse.

Response: Admit that the rowers intended to travel south to the 2000 meter mark or slightly further south then do row back up the course in the opposite direction.

14. The rowers intended to complete their time on the water and to depart the boathouse before 7:00 AM on October 24, 2005.

Response: Deny

15. The rowers traveled south on the Harlem River after leaving the boathouse.

Response: Admit.

16. The trip from the boathouse to 2000 meter mark took between 10 and 23 minutes.

Response: Admit.

17. During the rowing trip from the boathouse to the 2000 meter mark, all the rowers in the shell were facing north and were able to look north on the Harlem River.

Response: Admit the rowers were facing north, 3 of the rowers had people in front of them blocking and limiting their ability to look north on the Harlem River.

18. Ready Jet Go was a jet powered motor vessel owned and operated by Andrew Harnett.

Response: Admit.

19. On the morning of October 24, 2005, Andrew Harnett and his passenger Richard Brady, boarded Ready Jet Go at the Piermont Club located on the Hudson River, near the Tappan Zee Bridge.

Response: Admit.

20. Ready Jet Go got underway on the morning of October 24, 2005 and beaded south on the Harlem River until she came approximately abeam the Spuyten Duyvil Bridge at the entrance to the Harlem River.

Response: Deny

21. Ready Jet Go passed through the Spuyten Duyvil Bridge at approximately 5:45 AM on the morning of October 24, 2005.

Response: Admit.

22. Ready Jet Go proceeded south on the Harlem River passing the Columbia boathouse and ultimately the Peter J. Sharp boathouse.

Response: Admit

23. The Peter J. Sharp boathouse was lighted at the time Ready Jet Go was abeam of it.

Response: Admit.

24. None of the rowers saw Ready Jet Go as they rowed south on the Harlem River.

Response: Admit

25. Once they reached the area of the 2000 meter mark, the rowers turned the rowing shell back up the river with the shell facing north, in preparation for starting their run back toward the boathouse.

Response: Admit.

26. None of the rowers saw Ready Jet Go as they turned the rowing shell north to start their run back up the river.

Response: Admit.

27. The jet boat Ready Jet Go collided with the rowing shell carrying the four rowers at approximately 6:15 a.m. on the morning of October 24, 2005 on the Harlem River.

Response: Deny collision occurred later.

28. The angle of collision between Ready Jet Go and the rowing shell was approximately 16 degrees.

Response: Cannot admit or deny.

29. The time of collision, approximately 6:15 a.m. October 24, 2005, was prior to sunrise in New York City.

Response: Deny the time of collision; admit collision was prior to sunrise in New York City.

30. At and prior to the time of the collision, the rowing shell was not displaying, any navigational lights.

Response: Admit.

31. At and prior to the time of the collision there was no lookout on board the rowing shell.

Response: Deny.

32. At the time of the time of the collision, the rowing shell was "dead in the water", adrift in the Harlem River, and not making way.

Response: Admit, shell was not under way and was drifting with the current.

33. At and prior to the time of the collision the rowing shell was facing north on the Harlem River with the rowers intending to head back toward the boathouse.

Response: Admit.

34. According to 33 C.F.R. § 83.09, the United States Coast Guard Navigation Rules, a vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

Response: Admit.

35. The collision occurred near the center of the Harlem River.

Response: Deny, the collision occurred on Bronx side of River.

36. The Harlem River is a narrow channel.

Response: Admit.

37. The operator of Ready Jet Go did not see the rowing shell or its occupants until after he heard the sounds of the impact between Ready Jet Go and the rowing shell.

Response: Admit.

38. Mr. Harnett reduced the speed of Ready Jet Go after he first perceived the collision and ultimately stopped his vessel in the Harlem River.

Response: Admit.

39. Mr. Harnett observed the heads and parts of the bodies of three men and the wreckage of the rowing shell astern of Ready Jet Go floating in the Harlem River after he brought his vessel to a stop.

Response: Admit.

40. Mr. Harnett steered Ready Jet Go to the site of the collision and he and Mr. Brady assisted Mr. Houston, Mr. Lundwall, and Mr. Joyce get on board Ready Jet Go.

Response: Admit.

41. Mr. Harnett then steered Ready Jet Go at the site of the collision in an attempt to locate Mr. Jim Runsdorf.

Response: Admit

42. Before he was rescued by Ready Jet Go, Mr. Lundwall attempted to locate Mr. Harnett in the water; even diving under the inverted wreckage of the rowing shell. Mr. Lundwall was unable to locate Mr. Runsdorf.

Response: Admit.

43. The body of Jim Runsdorf could not immediately be found after the collision.

Response: Admit.

44. Following the collision, Andrew Harnett ferried the remaining three rowers to shore.

Response: Admit.

45. Jim Runsdorf's body was found near the center of the Harlem River on October 28, 2005.

Response: Admit.



46. The weather was not a factor in the events results in the collision between Ready Jet Go and the rowing shell.

Response: Admit.

47. Mr. Jim H. Runsdorf was killed as a result of the impact between the bow of Ready Jet Go and his head.

Response: Deny.

48. Mr. Edward Joyce suffered injuries requiring hospitalization as a result of the collision between Ready jet Go and the rowing shell.

Response: Admit

49. Mr. Vincent Houston and Mr .Jeff Lundwall suffered injuries which did not require hospitalization as a result of the collision between Ready Jet Go and the rowing shell.

Response: Cannot Admit or Deny, they sustained injury and trauma, whether they should have sought treatment at a hospital is a medical determination.

50. On October 24, 2005 the U.S. Naval Observatory predicated and reported:

U.S. Naval Observatory Astronomical Applications Department

### Sun and Moon Data for One Day

The following information is provided for New York, New York (longitude W73.9.

latitude N40.7):

Monday

24 October 2005

Eastern Daylight Time

#### SUN

Begin civil twilight	6:49 a.m.
Sunrise	7:17 a.m.
Sun transit	12:40 p.m.
Sunset	6:02 p.m.
End civil twilight	6:30 p.m.

#### MOON

Moonrise	10:33 p.m.	on preceding day
Moon transit	6:33 a.m.	
Moonset	2:25 p.m.	

Moonrise 11:36 p.m.  
Moonset 2:57 p.m. on following day  
Last quarter Moon on 24 October 2005 at 9:17 p.m. Eastern Daylight  
Time.

Response: Admit.

Dated: New York, New York  
September 27, 2011

**Tabak Mellusi & Shisha, LLP**  
Attorneys For Runsdorf Claimants

By: \_\_\_\_\_  
Jacob Shisha (JS 5452)

**CERTIFICATE OF SERVICE**

I, Jacob Shisha, declare that today I served a true copy of the within **RESPONSE TO PETITIONERS PETER J. SHARP BOATHOUSE, INC. AND NEW YORK ROWING ASSOCIATION, INC. REQUEST FOR ADMISSIONS** all counsel on the Service List attached hereto. Service was by First Class Mail on September 27, 2011.

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JACOB SHISHA (JS 5452)

**SERVICE LIST**

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**First Class Mail**

**First Class Mail**

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